

S.B. CIVIL WRIT PETITION NO.2797/2005

Sant Shri Kubaji Maharaj Sewa Sansthan & Anr.
VS.
State of Rajasthan & Ors.

DATE OF ORDER :: 12-05-2005

HON'BLE MR. GOVIND MATHUR, J.

Mr. J.K. Bhaiya, for the petitioner.

The petitioner No.1 is a society under the Societies Registration Act with a object to propagate the religious teachings of Sant Kubaji Maharaj. The other petitioners are residents of village Jhintara, District Pali and are devotees of Sant Kubaji Maharaj.

The grievance of the petitioners is that respondent Commissioner, Devasthan Department Udaipur by a letter dated 12.7.2004 erroneously granted permission to Mandir Shri Janrai Bhagvan Trust, Jhintara for constructing a Chhatri and to establish the statue of Sant Kubaji Maharaj. The contention of counsel for the petitioner is that the Gram Panchayat, Jhintara under its resolution dated 20.07.2002 resolved to allot a piece of land for construction of a temple of Sant Kubaji Maharaj opposite to the Samadhi of Sant Kubaji Maharaj. The petitioner society has already started raising construction of the temple on the land allotted by the Gram Panchayat and the original idol of Sant Kubaji Maharaj is to be established in the temple constructed by the society.

In the event, the effect be given to the order passed by the Commissioner, Devasthan dated 12.7.2004, the same shall hurt the feelings of the devotees of Sant Kubaji Maharaj.

It is also urged by the counsel for the petitioner that the respondent Janrai Bhagvan Trust, Jhintara is having no claim over the statue of Sant Kubaji Maharaj but the trust is going to establish the statue at Chhatri in pursuance of the order passed by the Commissioner, Devasthan.

Heard learned counsel for the petitioner.

The sole claim of the petitioner is that the original idol of Sant Kubaji Maharaj is required to be established in the temple constructed by the Sant Kubaji Maharaj Sewa Sansthan. There are so many facts in dispute with regard to possession over the idol of Sant Kubaji Maharaj. The petitioner has also not placed material sufficient on record to prove right over the idol.

Looking to the complex disputed question of facts as apparent from reading of the petitioner itself, I am not inclined to exercise discretion vested with the Court under Article 226 of the Constitution of India in present controversy. The

petitioner may avail remedy for redressal of his grievance by way of filing a civil suit.

The writ petition therefore, is dismissed with no order as to costs.

[Govind Mathur],J.

Praveen